

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

File No. 2:11-cr-21

v.

HON. ROBERT HOLMES BELL

AARON TIMOTHY VANZILE,

Defendant.

/

**ORDER APPROVING AND ADOPTING
REPORT AND RECOMMENDATION**

On April 5, 2011, Magistrate Judge Timothy P. Greeley issued a Report and Recommendation (“R&R”) recommending that Defendant Aaron Timothy VanZile’s motion to suppress statements (Dkt. No. 29) be denied. (Dkt. No. 35.) This matter is before the Court on Petitioner’s objections to the R&R. (Dkt. No. 72.)

This Court makes a *de novo* determination of those portions of an R&R to which specific objections are made. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). “[A] general objection to a magistrate’s report, which fails to specify the issues of contention, does not satisfy the requirement that an objection be filed. The objections must be clear enough to enable the district court to discern those issues that are dispositive and contentious.” *Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995). The Court may accept, reject, or modify any or all of the Magistrate Judge’s findings or recommendations. *Id.*

Defendant objects that the Magistrate Judge ignored the fact that Defendant was heavily intoxicated when initially arrested at 9:00 a.m., that he was lodged in a cell for several hours, and that he still had a PBT result of .093 around the time of his questioning at 4:30 p.m. Defendant reiterates his position that these facts demonstrate coercive activity by the police.

Contrary to Defendant's objection, the Magistrate Judge did not ignore Defendant's intoxication. (Dkt. No. 35 at 2, 4.) Rather, the Magistrate Judge found that Defendant's significantly reduced afternoon PBT result and the testimony of Captain Burke and Special Agent Johnston indicated that Defendant was lucid and eager to talk to the officers at the time he made the contested statements. The Court agrees with the Magistrate Judge's determination that there is no evidence of coercive activity, and Defendant's statements to Special Agent Johnston were voluntarily made. Accordingly,

IT IS HEREBY ORDERED that the April 5, 2012, R&R (Dkt. No. 35) is **APPROVED** and **ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that Defendant's motion to suppress statements (Dkt. No. 29) is **DENIED**.

Dated: April 30, 2012

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE